

Serial No. 09/854,708
Amdt. dated March 3, 2004
Reply to Office Action of June 3, 2004

Attorney Docket No. PF01898NA

REMARKS/ARGUMENTS

Claims 1 through 16, 18 through 25 and 27 through 37 are pending in this application.
Claims 1, 13 and 23 are hereby amended.

Claims 1, 4 through 10, 12, 13, 15 through 20, 22, 23, 25 through 29 and 31 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,148,261 to Obradovich, et al. ("Obradovich, et al. patent"). Claims 1, 4, 6, 7, 9, 11 through 13, 15 through 20, 22, 23, 25 through 29 and 31 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,546,092 to Kurokawa, et al. ("Kurokawa, et al. patent"). Claims 2, 3, 14 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over either the Obradovich, et al. patent or the Kurokawa, et al. patent in view of U.S. Patent No. 5,406,491 to Lima ("Lima patent"). Claims 21 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Obradovich, et al. patent or the Kurokawa, et al. patent in view of U.S. Patent No. 5,331,602 to McLaren ("McLaren patent"). Please note that claims 32 through 37 are not addressed by the above Office Action.

Claim 1, as previously presented by the Amendment of January 16, 2004, provided a positioning support device placed near a navigational feature, and claims 13 and 23 provided similar language. The above Office Action, particularly at page 5, states that the Obradovich, et al. patent and the Kurokawa, et al. patent anticipates this language. Specifically, the Obradovich, et al. patent describes a PCD device 20 placed near a navigational feature 10, and vice versa, and the Kurokawa, et al. patent an orbiting satellite placed near a user device. It appears that the

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Examiner is interpreting the word "near" broadly to include the long distance (approximately 11,000 nautical miles) separating the typical orbit of a GPS satellite from a PCD device or user device located at the surface of the Earth.

Accordingly, claim 1 is hereby amended to provide, *inter alia*, a positioning support device located *adjacent* to a navigational feature, and claims 13 and 23 as amended provide, *inter alia*, similar language. For example, the support device 108 may be located before the alley 110 in FIG. 1, attached to a buoy 402 in FIG. 4, and located on firetowers and at public campgrounds in FIG. 5. Support for the above recitation is provided at page 3, lines 3 through 9; page 10, lines 21 through 24; and page 12, lines 19 through 21, of the specification. The Obradovich, et al. patent, the Kurokawa, et al. patent, the Lima patent, and the McLaren patent do not describe or suggest a positioning support device located adjacent to a navigational feature, as required by amended claims 1, 13 and 23. Therefore, amended claims 1, 13 and 23 distinguish patentably from the Obradovich, et al. patent, the Kurokawa, et al. patent, the Lima patent, the McLaren patent, and any combination of these patents.

Claims 2 through 12, 14 through 16, 18 through 22, 24, 25 and 27 through 37 depend from and include all limitations of independent claims 1, 13 and 23 as amended. Therefore, claims 2 through 12, 14 through 16, 18 through 22, 24, 25 and 27 through 37 distinguish patentably from the Obradovich, et al. patent, the Kurokawa, et al. patent, the Lima patent, the McLaren patent, and any combination of these patents for the reasons stated above for amended claims 1, 13 and 23.

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In view of the above, reconsideration and withdrawal of the rejections of claims 1 through 16, 18 through 25 and 27 through 37 are respectfully requested.


CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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